

HOUSE JOURNAL

SEVENTY-SEVENTH LEGISLATURE, REGULAR SESSION

PROCEEDINGS

SIXTY-EIGHTH DAY (CONTINUED) — TUESDAY, MAY 8, 2001

The house met at 10 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 327).

Present — Mr. Speaker; Alexander; Allen; Averitt; Bailey; Berman; Bonnen; Bosse; Brimer; Brown, B.; Brown, F.; Burnam; Callegari; Capelo; Carter; Chavez; Chisum; Christian; Clark; Coleman; Cook; Corte; Counts; Crabb; Craddick; Crownover; Danburg; Davis, J.; Davis, Y.; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Ellis; Farabee; Farrar; Flores; Gallego; Garcia; George; Geren; Giddings; Glaze; Goodman; Goolsby; Gray; Green; Grusendorf; Gutierrez; Haggerty; Hamric; Hardcastle; Hartnett; Hawley; Heflin; Hilderbran; Hill; Hinojosa; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hunter; Hupp; Isett; Janek; Jones, D.; Jones, E.; Jones, J.; Junell; Keel; Keffer; King, P.; King, T.; Kitchen; Kolkhorst; Krusee; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Martinez Fischer; Maxey; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Najera; Nixon; Noriega; Oliveira; Olivo; Pickett; Pitts; Puente; Ramsay; Rangel; Raymond; Reyna, A.; Reyna, E.; Ritter; Sadler; Salinas; Seaman; Shields; Smith; Smithee; Solis; Solomons; Swinford; Talton; Telford; Thompson; Tillery; Truitt; Turner, B.; Turner, S.; Uher; Uresti; Villarreal; Walker; West; Williams; Wilson; Wise; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbranek.

Absent, Excused — Hilbert.

The invocation was offered by Father Jimmy Drennan, pastor, St. Paul's Catholic Church, San Antonio, as follows:

Good and gracious God of all creation, we turn to you on this holy day and give you thanks and praise for the gift of life. We give you thanks and praise for your holy creation that graces our world and for the mosaic of human life which reflects your majesty. The culturally diverse world you have continually created has been gathered in a unique way in our great State of Texas. It is for this diversity that we Texans give you thanks and praise.

We gather today and recognize that this day seeks to become a page in history. This day is filled with hope, possibilities, and ambitions of becoming a moment in history that we pray will never be read by our children and descendants as a day to regret, but instead a day to be honored, celebrated, and remembered. Lord, let our history makers of today inscribe on this moment a vision that will become what you have destined, a vision of respect, equality, and justice.

As you gather our state legislators in this 77th Legislature, inspire them to make decisions that seek to promote the welfare of all Texans. Instill in

our elected officials the ability to look past the divisions that human beings have imposed; the barriers of race, culture, ethnicity, language, religion, political party, socio-economic standing, and national origin. Help them to find simply a brother or sister who intently awaits their guidance, leadership, and service.

May the decisions that are made this day challenge all in our state to rise in union, a single yet diverse people, seeking to be better tomorrow than we find ourselves today.

Inspire our elected officials to be the role models for all of our children. Our youth seek the example of our political leaders. Let them never fail our youth.

As decisions have been made, especially those that will affect the redistricting of our state and the equal representation of our people, let them not be made for the benefit of Democrats or Republicans. Let us not shower only the rich with blessings while neglecting the needs of the poor. May we remember native-born and immigrants without distinction. We are to remember and serve all equally.

May you, our elected officials, rise to what you have been elected to be: agents of justice, justice for all.

This we ask, in the name of our Creator, who lives and reigns forever and ever. Amen.

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence for today because of illness:

Hilbert on motion of Haggerty.

BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

Notice was given at this time that the speaker had signed bills and resolutions in the presence of the house (see the addendum to the daily journal, Signed by the Speaker, House List No. 47).

CAPITOL PHYSICIAN

The speaker recognized Representative F. Brown who presented Dr. David Pope of Bryan as the "Doctor for the Day."

The house welcomed Dr. Pope and thanked him for his participation in the Physician of the Day Program sponsored by the Texas Academy of Family Physicians.

MESSAGES FROM THE SENATE

Messages from the senate were received at this time (see the addendum to the daily journal, Messages from the Senate, Message Nos. 1 and 2).

HR 985 - ADOPTED (by Pitts)

Representative Pitts moved to suspend all necessary rules to take up and consider at this time **HR 985**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 985, Honoring Dallas A. Lee of Austin for achieving the rank of Eagle Scout.

HR 985 was adopted without objection.

**HR 942 - ADOPTED
(by Green)**

Representative Green moved to suspend all necessary rules to take up and consider at this time **HR 942**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 942, Honoring acclaimed humorist and public speaker Dr. Charles W. Jarvis of San Marcos.

HR 942 was read and was adopted without objection.

INTRODUCTION OF GUESTS

The speaker recognized Representative Green, who introduced Dr. Charles W. Jarvis and his wife, Maxine.

**HR 970 - ADOPTED
(by Chavez)**

Representative Chavez moved to suspend all necessary rules to take up and consider at this time **HR 970**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 970, Honoring the mothers at the Carolina Center in El Paso on Mother's Day 2001.

HR 970 was adopted without objection.

**HR 972 - ADOPTED
(by Chavez)**

Representative Chavez moved to suspend all necessary rules to take up and consider at this time **HR 972**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 972, Honoring the mothers at the Washington Center in El Paso on Mother's Day 2001.

HR 972 was adopted without objection.

**HR 973 - ADOPTED
(by Chavez)**

Representative Chavez moved to suspend all necessary rules to take up and consider at this time **HR 973**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 973, Honoring the mothers at San Juan Senior Center in El Paso on Mother's Day 2001.

HR 973 was adopted without objection.

HR 974 - ADOPTED
(by Chavez)

Representative Chavez moved to suspend all necessary rules to take up and consider at this time **HR 974**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 974, Honoring the mothers at Eastside Senior Center in El Paso on Mother's Day 2001.

HR 974 was adopted without objection.

HR 989 - ADOPTED
(by Smithee)

Representative Smithee moved to suspend all necessary rules to take up and consider at this time **HR 989**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 989, Honoring the Amarillo College Theater School for Children for its outstanding accomplishments.

HR 989 was adopted without objection.

(Speaker pro tempore in the chair)

LOCAL, CONSENT, AND RESOLUTIONS CALENDAR
SECOND READING

The following bills were laid before the house, read second time, and passed to third reading, and the following resolutions were laid before the house on committee report and adopted (members registering votes are shown following the caption):

CSHB 15 (by Corte), A bill to be entitled An Act relating to license plates for persons with disabilities and disabled veterans.

HR 990 - ADOPTED
(by Morrison)

Representative Morrison moved to suspend all necessary rules to take up and consider at this time **HR 990**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 990, Honoring Harvey P. Schneider as he retires as superintendent of the Yoakum Independent School District.

HR 990 was read and was adopted without objection.

LOCAL, CONSENT, AND RESOLUTIONS CALENDAR

(consideration continued)

HB 31 (by McClendon and E. Jones), A bill to be entitled An Act relating to the punishment for the offense of burglary of a vehicle.

Amendment No. 1 (Committee Amendment No. 1)

On behalf of Representative Keel, Representative McClendon offered the following committee amendment to **HB 31**:

Amend **HB 31**, as follows:

Amend Section 1. Section 30.04 (d) by replacing the words "felony of the third degree" with "state jail felony" on lines 7 and 8 and by replacing "of the second degree" with "of the third degree" on line 11.

Representative McClendon moved to table Amendment No. 1.

The motion to table prevailed.

Amendment No. 2

Representative McClendon offered the following amendment to **HB 31**:

Amend **HB 31** by striking SECTION 1 of the bill and adding an appropriately numbered SECTION to the bill to read as follows:

SECTION ____ Section 16(b), Article 42.12, Code of Criminal Procedure, is amended to read as follows:

(b) The amount of community service work ordered by the judge:

(1) may not exceed 1,000 hours and may not be less than 320 hours for an offense classified as a first degree felony;

(2) may not exceed 800 hours and may not be less than 240 hours for an offense classified as a second degree felony;

(3) may not exceed 600 hours and may not be less than 160 hours for an offense classified as a third degree felony;

(4) may not exceed 400 hours and may not be less than 120 hours for an offense classified as a state jail felony;

(5) may not:

(A) exceed 600 hours or be less than 160 hours for an offense under Section 30.04, Penal Code, classified as a Class A misdemeanor; or

(B) exceed 200 hours or ~~and may not~~ be less than 80 hours for any other [an] offense classified as a Class A misdemeanor or for any other misdemeanor for which the maximum permissible confinement, if any, exceeds six months the maximum permissible fine, if any, exceeds \$4,000; and

(6) may not exceed 100 hours and may not be less than 24 hours for an offense classified as a Class B misdemeanor or for any other misdemeanor for which the maximum permissible confinement, if any, does not exceed six months and the maximum permissible fine, if any, does not exceed \$4,000.

Amendment No. 2 was adopted without objection.

HB 149 (by Wohlgemuth and E. Reyna), A bill to be entitled An Act relating to persons eligible to receive a license plate honoring peace officers killed in the line of duty.

CSHB 428 (by Morrison), A bill to be entitled An Act relating to the fee for special license plates for Purple Heart recipients.

CSHB 541 (by Junell), A bill to be entitled An Act relating to disposition of military awards and decorations escheated to the state.

HB 715 (by Oliveira), A bill to be entitled An Act relating to the composition of the 404th Judicial District.

CSHB 811 (by McReynolds), A bill to be entitled An Act relating to the issuance of Special Olympics Texas license plates.

HB 964 (by Dunnam), A bill to be entitled An Act relating to the release of certain confidential information of a patient by the patient's physician.

HB 1375 was withdrawn.

CSHB 1447 (by Oliveira, Uresti, et al.), A bill to be entitled An Act relating to a franchise tax credit for certain activities in defense economic readjustment zones.

CSHB 1617 (by Allen), A bill to be entitled An Act relating to the expansion of prison industries programs.

CSHB 1633 (by P. King), A bill to be entitled An Act relating to legislative review of the statutory guidelines for child support and the possession of and access to a child.

CSHB 1776 (by Green, Dutton, et al.), A bill to be entitled An Act relating to the establishment of Celebrate Freedom Week in public schools.

Amendment No. 1

On behalf of Representative Y. Davis, Representative Keffer offered the following amendment to **CSHB 1776**:

Amend **CSHB 1776** on page 1, line 11, by striking "must" and insert "may".

Amend **CSHB 1776** on page 2, line 1, by striking "recite" and inserting "study".

Amend **CSHB 1776** on page 2, line 2, by striking the following: at the beginning of each school day

Amend **CSHB 1776** on page 2 by striking the language on lines 9 through 17.

Amendment No. 1 was adopted without objection.

HB 1872 (by Solis), A bill to be entitled An Act relating to local employment impact statements required before a state agency may adopt a rule.

CSHB 1887 (by Janek), A bill to be entitled An Act relating to the rights

of patients receiving mental health services.

CSHB 2043 (by Williams and Dunnam), A bill to be entitled An Act relating to safety standards for buses used to transport students.

CSHB 2124 (by Noriega), A bill to be entitled An Act relating to the consolidated registration of certain fleets of motor vehicles.

CSHB 2230 (by McReynolds), A bill to be entitled An Act relating to the reporting and investigation of motor vehicle accidents.

HB 2240 (by B. Brown, et al.), A bill to be entitled An Act relating to limiting the transfer of the school district ad valorem tax freeze on the residence homesteads of the elderly to different homesteads in the same school district.

CSHB 2340 (by Salinas and Counts), A bill to be entitled An Act relating to the authority of county governments to regulate subdivision development in the unincorporated areas of a county.

HB 2341 (by Noriega), A bill to be entitled An Act relating to legislative leave for certain sheriff's department employees.

HB 2368 (by George), A bill to be entitled An Act relating to the fees assessed by a district court in Dallas County for certain services rendered in juvenile or family law cases.

HB 2638 (by George), A bill to be entitled An Act relating to certain fees for collecting, disbursing, or monitoring spousal maintenance or child support payments in Dallas County.

HB 2645 (by Capelo), A bill to be entitled An Act relating to the imposition of costs on certain convictions to pay for expenses related to jury sequestration.

CSHB 2650 (by Capelo), A bill to be entitled An Act relating to requiring hepatitis C training for registered nurses.

CSHB 2719 (by Noriega), A bill to be entitled An Act relating to the use of obsolete bridges, tunnels, and causeways to create artificial reefs.

CSHB 2950 (by Chavez and Coleman), A bill to be entitled An Act relating to the regulation of certain abusable volatile chemicals.

Amendment No. 1

Representative Chavez offered the following amendment to **CSHB 2950**:

Amend **HB 2950**, page 6, line 11, by striking "\$50" after the word "exceed" and replacing with "\$25".

Amendment No. 1 was adopted without objection.

HB 2978 (by Dukes), A bill to be entitled An Act relating to the criteria for designating a residence homestead as a historic site for purposes of exemption from ad valorem taxation.

HB 3153 (by Capelo and Carter), A bill to be entitled An Act relating

to the authority of chiropractors to form certain professional associations.

CSHB 3155 (by Capelo, Coleman, Gray, Uresti, Solis, et al.), A bill to be entitled An Act relating to the establishment of a pediatric diabetes research advisory committee in the Texas Department of Health.

Representative Capelo moved to lay **CSHB 3155** on the table subject to call.

The motion prevailed without objection.

CSHB 3203 (by J. Jones), A bill to be entitled An Act relating to updating address information on a list used to reconstitute the jury wheel.

CSHB 3209 (by Uher), A bill to be entitled An Act relating to a provisional commercial gulf shrimp boat license.

CSHB 3296 (by Goodman), A bill to be entitled An Act relating to the compensation of certain retired judges while assigned as visiting judges.

CSHB 3347 (by Gray), A bill to be entitled An Act relating to the administration and collection of ad valorem taxes.

CSHB 3364 (by Menendez, Hamric, McClendon, Oliveira, and Wise), A bill to be entitled An Act relating to deferring or abating a suit to collect ad valorem taxes owed by certain disabled individuals.

HB 3391 (by Oliveira), A bill to be entitled An Act relating to the definition of a strategic investment area for purposes of certain tax credits.

CSHB 3433 (by Merritt), A bill to be entitled An Act relating to the designation of a portion of United States Highway 259 Relief Route as the Charles K. Devall Memorial Highway.

HB 3441 (by Gallego), A bill to be entitled An Act relating to special license plates for certain government officials.

CSHB 3527 (by Counts), A bill to be entitled An Act relating to the use of certain fees by the Texas Natural Resource Conservation Commission.

CSHB 3528 (by Counts), A bill to be entitled An Act relating to the consolidation and use of certain fees under Chapter 26, Water Code.

CSHB 3552 (by Raymond), A bill to be entitled An Act relating to the regulation of manufactured housing; providing a penalty.

SB 1080 (Capelo and Burnam - House Sponsors), in lieu of **HB 3598**, A bill to be entitled An Act relating to certain distressed or reconditioned food, drugs, devices, and cosmetics and certain licensed persons.

Representative Capelo moved to lay **HB 3598** on the table subject to call.

The motion prevailed without objection.

SB 1046 (Capelo - House Sponsor), in lieu of **HB 3601**, A bill to be entitled An Act relating to the enforcement powers of the Texas Department of Health over food, drugs, devices, and cosmetics.

Representative Capelo moved to lay **HB 3601** on the table subject to call.

The motion prevailed without objection.

CSHB 3691 (by Dunnam), A bill to be entitled An Act relating to the creation, administration, powers, duties, operation, and financing of a hospital district to be known as the West Medical District; authorizing a tax; and granting the authority to issue and refund bonds.

HB 3693 (by Keffer), A bill to be entitled An Act relating to the creation, administration, powers, duties, operation, and financing of the Lake Granbury Water Improvement District.

Amendment No. 1

Representative Keffer offered the following amendment to **HB 3693**:

Amend **HB 3693** as follows:

(1) On page 1, line 8, between "County" and the period, insert ", subject to approval at a confirmation election under Section 10 of this Act".

(2) On page 1, lines 13 and 14, strike Subsection (c).

(3) On page 12, line 25, between "Beginning" and the period, insert the following:

;SAVE and EXCEPT the following three tracts:

(1) approximately 101.9 acres out of the W. Adams Survey, Abstract No. 1 and the John Chenowith Survey, Abstract No. 118, Hood County, Texas, more particularly described in that certain Deed from F.B. Mabery, et ux to TEXAS POWER & LIGHT COMPANY, dated November 15, 1967, which is recorded at Volume 139, Page 406 of the Deed Records of Hood County, Texas;

(2) approximately 138.3 acres out of the W. Adams Survey, Abstract No. 1 and the John Chenowith Survey, Abstract No. 118, Hood County, Texas, more particularly described in that certain Deed from R.E. Mabery, et ux to TEXAS POWER & LIGHT COMPANY, dated November 15, 1967, which is recorded at Volume 139, Page 481 of the Deed Records of Hood County, Texas; and

(3) approximately 221.27 acres out of the John Chenowith Survey, Abstract No. 118, Hood County, Texas, more particularly described in that certain Deed from Jack M. Langdon, et al to TEXAS POWER & LIGHT COMPANY, dated September 6, 1978, which is recorded at Volume 290, page 132 of the Deed Records of Hood County, Texas

(4) On page 14, strike lines 12-19 and substitute:

(1) Larry Brockman;

(2) Ron Cullers;

(3) Susan Cummet;

(4) Larry Kemp;

(5) G. Holman King;

(6) Clyde Perry;

(7) James L. Shultz; and

(8) J. C. Wright.

(5) On page 15, line 18, between "10." and "INITIAL", insert "CONFIRMATION AND".

(6) On page 15, line 19, between "election" and "to", insert "to confirm the establishment of the district and".

(7) On page 15, line 22, between "At the" and "initial", insert "confirmation and".

Amendment No. 1 was adopted without objection.

HB 3695 (by Merritt), A bill to be entitled An Act relating to the creation of an additional county court at law in Gregg County.

HB 3696 (by Hinojosa), A bill to be entitled An Act relating to the creation of the County Court at Law No. 5 of Hidalgo County and the County Criminal Court at Law of Hidalgo County, to redesignating the County Court at Law No. 3 of Hidalgo County as the Probate Court of Hidalgo County, and to the jurisdiction of the statutory county courts in Hidalgo County.

HCR 117 (by Madden), Memorializing congress to amend the Motor Voter Law.

CSSB 38 (Naishtat - House Sponsor), A bill to be entitled An Act relating to authorizing the conduct of architectural review before the construction or remodeling of certain long-term and other care facilities.

SB 52 (Raymond and Naishtat - House Sponsors), A bill to be entitled An Act relating to a requirement that child-care facilities post certain signs.

SB 71 (Hardcastle - House Sponsor), A bill to be entitled An Act relating to the compensation and reimbursement of expenses of members of the Midwestern State University board of regents.

SB 73 (Hardcastle - House Sponsor), A bill to be entitled An Act relating to the removal of members of the board of regents of Midwestern State University.

SB 74 (Denny - House Sponsor), A bill to be entitled An Act relating to the terms of members of the advisory board of the Texas Academy of Mathematics and Science.

SB 77 (Denny - House Sponsor), A bill to be entitled An Act relating to the removal of members of the board of regents of Texas Woman's University.

SB 125 (Carter - House Sponsor), A bill to be entitled An Act relating to the preparation and submission of the state low income housing annual report and plan.

CSSB 126 (B. Turner, Farabee, Hawley, Telford, et al. - House Sponsors), A bill to be entitled An Act relating to the creation of the Rural Communities Health Care Investment Program to attract and retain rural health care professionals.

CSSB 141 (Brimer - House Sponsor), A bill to be entitled An Act relating to requiring disclaimers on certain advertisements that offer homestead designation services.

SB 145 (Gray - House Sponsor), A bill to be entitled An Act relating to chiropractic facility licenses issued by the Texas Board of Chiropractic Examiners.

SB 152 (Goolsby - House Sponsor), A bill to be entitled An Act relating to the appeal of certain determinations by the Texas Board of Chiropractic Examiners.

SB 164 (Capelo - House Sponsor), A bill to be entitled An Act relating to officers authorized by law to hold an inquest.

SB 171 (Coleman - House Sponsor), A bill to be entitled An Act relating to the renewal of a license to practice chiropractic.

SB 181 was previously passed.

SB 221 (McClendon, Counts, and Heflin - House Sponsors), A bill to be entitled An Act relating to government purchasing using the reverse auction procedure.

Amendment No. 1

Representative McClendon offered the following amendment to **SB 221**:

Amend **SB 221** as follows:

(1) Immediately before SECTION 8 of the bill (page 6, between lines 7 and 8, Senate Engrossment) insert the following appropriately numbered SECTIONS:

SECTION _____. Section 36.067, Water Code, is amended by adding Subsection (c) to read as follows:

(c) A district may use the reverse auction procedure, as defined by Section 2155.062(d), Government Code, for purchasing.

SECTION _____. Section 49.273, Water Code, is amended by adding Subsection (k) to read as follows:

(k) The board may use the reverse auction procedure, as defined by Section 2155.062(d), Government Code, for purchasing.

SECTION _____. Section 23, Development Corporation Act of 1979 (Article 5190.6, Vernon's Texas Civil Statutes), is amended by adding Subsection (e) to read as follows:

(e) A corporation may use the reverse auction procedure, as defined by Section 2155.062(d), Government Code, for purchasing.

(2) Strike SECTION 8 of the bill (page 6, lines 8-17, Senate Engrossment) and substitute the following appropriately numbered SECTION:

SECTION _____. (a) The changes in law made by this Act apply only to a contract for which requests for bids, proposals, or other applicable notice of an intent to contract are published or distributed on or after the effective date of this Act.

(b) This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2001.

Amendment No. 1 was adopted without objection.

SB 256 (Hodge - House Sponsor), A bill to be entitled An Act relating to the recovery by a taxing unit of certain costs on the resale of property bid off to the unit at a tax foreclosure sale.

SB 270 (Swinford - House Sponsor), A bill to be entitled An Act relating to the meaning of "agricultural crop" for purposes of the exemption of certain wells from fees charged by the North Harris County Regional Water Authority.

SB 282 (Janek - House Sponsor), A bill to be entitled An Act relating to requiring the Texas Department of Health to promote the vaccines for children program to certain health care providers not currently enrolled in the program.

SB 327 (Thompson - House Sponsor), A bill to be entitled An Act relating to the servicing of a portable fire extinguisher.

SB 347 (Haggerty - House Sponsor), A bill to be entitled An Act relating to the provision of health care, including prescription drugs, for persons confined in institutions operated by the Texas Department of Criminal Justice.

SB 370 (Swinford - House Sponsor), A bill to be entitled An Act relating to the performance of an autopsy on an individual injured in one county and dying in another county.

SB 386 (Swinford - House Sponsor), A bill to be entitled An Act relating to updating references to the campuses of the Texas State Technical College System.

SB 387 (Janek - House Sponsor), A bill to be entitled An Act relating to high school diplomas for certain veterans.

Amendment No. 1

On behalf of Representative Janek, Representative Eiland offered the following amendment to **SB 387**:

Amend **SB 387** in SECTION 1 of the bill, by striking Subsection (b) of Section 28.0251, Education Code (page 1, lines 15-20, senate engrossment), and substituting the following:

(b) A school district may issue a diploma to a person otherwise eligible under Subsection (a) notwithstanding the fact that the person holds a high school equivalency certificate or is deceased.

Amendment No. 1 was adopted without objection.

CSSB 424 (Coleman - House Sponsor), A bill to be entitled An Act relating to a state strategic health plan.

SB 558 (Coleman - House Sponsor), A bill to be entitled An Act relating to an advisory committee on reducing drug demand.

CSSB 561 (Bosse - House Sponsor), A bill to be entitled An Act relating to indemnification provisions concerning registered architects and licensed engineers in certain construction contracts.

SB 600 (Averitt - House Sponsor), A bill to be entitled An Act relating to requirements regarding certification that a forensic anthropologist must meet in order to assist a medical examiner.

SB 605 (Smithee - House Sponsor), A bill to be entitled An Act relating to approval by the Texas Department of Insurance for certain holding company affiliations.

SB 611 was previously passed.

SB 613 (Chisum - House Sponsor), A bill to be entitled An Act relating to the operation of the Castro County Hospital District.

SB 632 (Gray and Seaman - House Sponsors), A bill to be entitled An Act relating to the authority of certain counties to prohibit traffic on certain areas of public beaches.

SB 636 (Maxey - House Sponsor), A bill to be entitled An Act relating to the analysis and review of mental illness treatment programs for certain juvenile and adult offenders.

CSSB 647 (Hilbert - House Sponsor), A bill to be entitled An Act relating to the creation of the Old Town Spring Improvement District; providing authority to impose a tax and issue bonds.

SB 651 was withdrawn.

SB 656 (Coleman - House Sponsor), A bill to be entitled An Act relating to the designation and functions of a state demographer.

CSSB 664 (Naishtat - House Sponsor), A bill to be entitled An Act relating to the investigation of abuse, neglect, or exploitation of persons in certain facilities.

CSSB 694 (McCall - House Sponsor), A bill to be entitled An Act relating to the confidentiality of credit card, debit card, charge card, and access device numbers that are collected, assembled, or maintained by a governmental body and of certain e-mail addresses.

SB 725 (Swinford - House Sponsor), A bill to be entitled An Act relating to the transfer of certain state property from the Texas Department of Mental Health and Mental Retardation to Texas Panhandle Mental Health and Mental Retardation.

SB 726 (Chisum - House Sponsor), A bill to be entitled An Act relating to the fiscal year and the date of elections of the Stratford Hospital District.

SB 738 was previously passed.

SB 834 was previously passed.

SB 837 (Chavez - House Sponsor), A bill to be entitled An Act relating to the development of a strategic plan by the Border Health Institute.

SB 837 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE PICKETT: Representative Chavez, this won't take ten minutes, I am not here to kill the bill, this is for legislative intent. Is it your intent that the State of Texas approve or disapprove a plan of a locally created health institute?

REPRESENTATIVE CHAVEZ: Is it my intent that what?

PICKETT: That the State of Texas approve or disapprove of a locally created health institute.

CHAVEZ: It is the intent of the bill to establish and facilitate through this

legislation we created in 1999 and no provision required its governing board to develop and implement a strategic plan. Do you want a yes or no answer?

PICKETT: That would help.

CHAVEZ: Okay. We created this to codify, we are simply codifying the rules governing this Border Health Institute which was created by this legislative body.

PICKETT: So, is it the intent to approve or disapprove a plan by the State of Texas?

CHAVEZ: Is it the intent of the legislature to approve or disapprove the plan? No.

PICKETT: Is it the intent of this reporting to hinder the growth and expansion of a locally governed board?

CHAVEZ: Is it the intent for what, now?

PICKETT: To hinder the growth and expansion of a local governing board?

CHAVEZ: No.

PICKETT: Do you think this bill may hinder the inclusion of private hospitals and pharmaceutical companies in participating in a local health institute?

CHAVEZ: Absolutely not.

PICKETT: Does this local bill affecting state and non-state agencies have the support of the entire legislative delegation from El Paso?

CHAVEZ: It is my understanding that all of us have worked cohesively, and you've been involved in this, Joe, in helping create the Border Health Institute. My answer is, yes. If you have a problem then you need to tell this body and the people in El Paso that you oppose this bill.

PICKETT: Is this bill designed to try and give the local governing body the impression that it is a state agency?

CHAVEZ: I'm sorry?

PICKETT: Is this bill designed to try and give the local governing body the impression that it is a state agency?

CHAVEZ: You'll have to ask the senator, but the answer is no.

REMARKS ORDERED PRINTED

Representative Pickett moved to print remarks by Representative Pickett and Representative Chavez.

The motion prevailed without objection.

SB 863 (Keffer - House Sponsor), A bill to be entitled An Act relating to tax refunds to property owners following ad valorem tax appeals.

SB 870 (Thompson - House Sponsor), A bill to be entitled An Act relating to the authority of a commissioners court of a county to authorize certain community and economic development programs.

SB 875 (Raymond, Wohlgemuth, Naishtat, and J. Davis - House Sponsors), A bill to be entitled An Act relating to participation of fathers in programs and services administered by the Health and Human Services Commission and health and human services agencies and functions performed by the office of the attorney general.

SB 911 (Uresti - House Sponsor), A bill to be entitled An Act relating to the purposes and duties of defense base development authorities.

CSSB 916 (Talton - House Sponsor), A bill to be entitled An Act relating to the disposition by municipalities of property in certain air navigation facilities.

SB 926 was previously passed.

SB 936 (Cook - House Sponsor), A bill to be entitled An Act relating to floodplain management and flood insurance; providing a criminal penalty.

SB 939 (Najera - House Sponsor), A bill to be entitled An Act relating to certain studies of the Texas Strategic Military Planning Commission.

CSSB 941 (Thompson - House Sponsor), A bill to be entitled An Act relating to the eligibility of former or retired statutory probate judges for certain assignments as visiting judges.

SB 1023 (Ritter - House Sponsor), A bill to be entitled An Act relating to compensation for services rendered at a polling place by election officers.

SB 1034 (Naishtat - House Sponsor), A bill to be entitled An Act relating to the right of certain persons to enter a public facility with an assistance animal.

SB 1035 was withdrawn.

CSSB 1057 (Rangel - House Sponsor), A bill to be entitled An Act relating to the administration of the TEXAS grant program and to the dissemination of student financial aid information.

SB 1065 (Solis - House Sponsor), A bill to be entitled An Act relating to changing the name of the South Texas Hospital to the South Texas Health Care System and to eliminating certain obsolete provisions relating to the hospital.

SB 1073 (Keffer - House Sponsor), A bill to be entitled An Act relating to the Palo Pinto County Hospital District.

SB 1089 (Burnam - House Sponsor), A bill to be entitled An Act relating to eligibility for Vietnam veteran license plates.

SB 1094 (Solomons - House Sponsor), A bill to be entitled An Act relating to the administration and jurisdiction of the statutory county courts in Denton County and to the operation of the statutory probate court in Denton County.

SB 1113 was previously passed.

CSSB 1123 (Hartnett - House Sponsor), A bill to be entitled An Act relating to the enforcement and collection of taxes, fees, and other revenue; providing criminal penalties.

SB 1127 (Yarbrough - House Sponsor), A bill to be entitled An Act relating to the minimum size of a container of liquor.

SB 1144 (Gray - House Sponsor), A bill to be entitled An Act relating to the transfer of certain state property from the Texas Department of Criminal Justice to Galveston County.

SB 1154 was previously passed.

CSSB 1158 (Junell - House Sponsor), A bill to be entitled An Act relating to the operation of the Mitchell County Hospital District.

CSSB 1165 (Noriega - House Sponsor), A bill to be entitled An Act relating to the qualifications for appointment as the adjutant general.

Amendment No. 1

Representative Noriega offered the following amendment to **CSSB 1165**:

Amend **CSSB 1165** as follows:

(1) In SECTION 1 of the bill, in the introductory language (House committee printing, page 1, line 6), strike "Subsections (a) and (b)" and substitute "Subsection (a)".

(2) In SECTION 1 of the bill, strike amended Section 431.022(b), Government Code (House committee printing, page 1, lines 15-24 and page 2, lines 1 and 2).

(3) After SECTION 1 of the bill (House committee printing, page 2, between lines 2 and 3), add the following new SECTION 2 of the bill and renumber the current SECTION 2 as SECTION 3:

SECTION 2. Subchapter B, Chapter 431, Government Code, is amended by adding Section 431.0221 to read as follows:

Sec. 431.0221. ADDITIONAL REQUIREMENTS FOR ADJUTANT GENERAL. (a) Notwithstanding Section 431.022(b)(3), until September 1, 2005, the adjutant general must have completed at least:

(1) five years' service as a federally recognized commissioned officer with an active unit of the Texas National Guard; and

(2) 10 years' service as a federally recognized commissioned officer with an active unit of the National Guard of the United States.

(b) This section expires September 1, 2005.

Amendment No. 1 was adopted without objection.

SB 1167 (Hamric - House Sponsor), A bill to be entitled An Act relating to the administration, powers, duties, and operations of certain emergency services districts; providing criminal penalties.

SB 1168 (McClendon - House Sponsor), A bill to be entitled An Act relating to authorizing counties to order a referendum on the increase or decrease of flood control taxes or the use of funds generated by flood control taxes.

CSSB 1194 (Kuempel, Danburg, and E. Jones - House Sponsors), A bill

to be entitled An Act relating to the protection of bats; providing a penalty.

CSSB 1300 (Capelo - House Sponsor), A bill to be entitled An Act relating to the practice of medicine without an annual registration permit.

SB 1319 (Solomons - House Sponsor), A bill to be entitled An Act relating to forwarding process served on the secretary of state.

SB 1325 was withdrawn.

SB 1338 (West - House Sponsor), A bill to be entitled An Act relating to the authority of the Railroad Commission of Texas to regulate oil and gas NORM waste.

SB 1339 (McReynolds - House Sponsor), A bill to be entitled An Act relating to requiring owners or operators of poultry facilities to implement and maintain certified water quality management plans.

CSSB 1407 (T. King - House Sponsor), A bill to be entitled An Act relating to the sale of livestock by a personal representative of a decedent's estate.

SB 1410 (Danburg - House Sponsor), A bill to be entitled An Act relating to crab traps used in the public water of this state and to removal requirements for abandoned crab traps.

SB 1419 (Thompson - House Sponsor), A bill to be entitled An Act relating to the statute of limitations in certain civil proceedings involving the public institutions of higher education or the Texas Higher Education Coordinating Board.

SB 1433 (F. Brown - House Sponsor), A bill to be entitled An Act relating to the jurisdiction of the 85th, 272nd, and 361st District Courts in Brazos County.

SB 1456 (Capelo, Coleman, Gray, Uresti, Solis, et al. - House Sponsors), A bill to be entitled An Act relating to the establishment of a pediatric diabetes research advisory committee in the Texas Department of Health.

SB 1547 (McCall - House Sponsor), A bill to be entitled An Act relating to the establishment of an investment advisory board by the comptroller of public accounts.

SB 1640 (Thompson - House Sponsor), A bill to be entitled An Act relating to a provision for the payment or transfer of a person's interest in a mutual fund account on the person's death.

SB 1681 (J. Davis - House Sponsor), A bill to be entitled An Act relating to the waiver of a jury trial in the prosecution of a misdemeanor offense within the jurisdiction of the justice and municipal courts.

SB 1789 was previously passed.

SCR 34 (R. Lewis - House Sponsor), Expressing support for the Minerals Management Service to proceed with the Outer Continental Shelf (OCS) lease in the eastern Gulf of Mexico.

MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 3).

LOCAL, CONSENT, AND RESOLUTIONS CALENDAR - ADDENDUM

HB 547 (by Noriega), A bill to be entitled An Act relating to the languages in which the Department of Public Safety provides certain public notice regarding sex offenders.

HB 1706 (by Farrar), A bill to be entitled An Act relating to the regulation of architecture, landscape architecture, and interior design by the Texas Board of Architectural Examiners.

CSHB 1732 (by T. King), A bill to be entitled An Act relating to the changing of an ad valorem tax appraisal roll.

Amendment No. 1

Representative T. King offered the following amendment to **CSHB 1732**:

Amend **CSHB 1732** as follows

(1) On page 1, line 8, strike "shall" and substitute "may".

Amendment No. 1 was adopted without objection.

HB 2504 (by Danburg), A bill to be entitled An Act relating to clarifying certain provisions of the law regulating political funds and campaigns.

Amendment No. 1

On behalf of Representative Y. Davis, Representative Danburg offered the following amendment to **HB 2504**:

Amend **HB 2504** by striking the language on page 1, line 15, through page 7, line 18.

Amendment No. 1 was adopted without objection.

HR 842 - ADOPTED (by Delisi)

Representative Delisi moved to suspend all necessary rules to take up and consider at this time **HR 842**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 842, Honoring Colonel David B. Hall on his retirement from the U.S. Army.

HR 842 was read and was adopted without objection.

INTRODUCTION OF GUESTS

The chair recognized Representative Delisi, who introduced Colonel David B. Hall and his wife, Susan.

HCR 196

HCR 196, designating Lubbock as the Texas City of Vatican Art for Year 2002, having been previously adopted, was read.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Juvenile Justice and Family Issues, upon first adjournment today, Desk 45, for a formal meeting, to consider **SB 700, SB 776, SB 1064, SB 1432, and SB 1470.**

Agriculture and Livestock, upon first adjournment today, Desk 98, for a formal meeting, to consider **SB 779.**

Human Services, upon first adjournment today, Desk 63, for a formal meeting.

RULES SUSPENDED

Representative Walker moved to suspend the 5-day posting rule to allow the Committee on Land and Resource Management to consider **SB 1002.**

The motion prevailed without objection.

ADJOURNMENT

Representative Smith moved that the house adjourn until 1:00 p.m. today.

The motion prevailed without objection.

The house accordingly, at 11:59 a.m., adjourned until 1:00 p.m. today.

ADDENDUM

SIGNED BY THE SPEAKER

The following bills and resolutions were today signed in the presence of the house by the speaker:

House List No. 47

HCR 6, HCR 32, HCR 44, HCR 45, HCR 46, HCR 47, HCR 80

MESSAGES FROM THE SENATE

The following messages from the senate were today received by the house:

Message No. 1**MESSAGE FROM THE SENATE
SENATE CHAMBER**

Austin, Texas

Tuesday, May 8, 2001

The Honorable Speaker of the House
House Chamber
Austin, Texas

Mr. Speaker:

I am directed by the Senate to inform the House that the Senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:**SB 367** Zaffirini

Relating to ensuring an appropriate care setting for a person with a disability. Respectfully,

Betty King
Secretary of the Senate

Message No. 2**MESSAGE FROM THE SENATE
SENATE CHAMBER**

Austin, Texas

Tuesday, May 8, 2001 - 2

The Honorable Speaker of the House
House Chamber
Austin, Texas

Mr. Speaker:

I am directed by the Senate to inform the House that the Senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:**LOCAL AND UNCONTESTED CALENDAR****HB 244** Ellis, Dan SPONSOR: Staples

Relating to exempting certain emergency service organizations from the sales and use tax on boats and boat motors.

HB 402 Giddings SPONSOR: Carona

Relating to the abolishment of the medicinal and physician's permits for buying or dispensing liquor.

HB 506 Smith SPONSOR: Staples

Relating to the transfer of a limitation on school district ad valorem taxes on the residence homestead of the surviving spouse of an elderly person to a subsequent homestead.

HB 767 Maxey SPONSOR: Nelson
Relating to training concerning HIV, hepatitis C, and sexually transmitted diseases for licensed chemical dependency counselors.

HB 768 Maxey SPONSOR: Nelson
Relating to an interagency coordinating council for HIV and hepatitis.

HB 1478 Maxey SPONSOR: Moncrief
Relating to the name, composition, and duties of the work group on children's long-term care and health programs.

HB 1586 Gallego SPONSOR: Madla
Relating to property, facilities, and equipment of the Culberson County Hospital District.

HB 1737 Carter SPONSOR: Staples
Relating to the acquisition of land for cemetery purposes adjacent to existing cemeteries.

HB 1788 Gallego SPONSOR: Madla
Relating to property, facilities, and equipment of the Val Verde County Hospital District.

HB 2437 Davis, Yvonne SPONSOR: Carona
Relating to continuing education requirements for code enforcement officers.

HB 2840 Telford SPONSOR: Staples
Relating to a partnership between Texas A&M University—Texarkana and Texarkana College District.

HB 3335 Telford SPONSOR: Moncrief
Relating to duties and immunities of certain persons with cause to believe that an elderly or disabled person is in a state of abuse, neglect, or exploitation.

HCR 8 Marchant SPONSOR: Moncrief
Memorializing congress to increase funding for research of Duchenne muscular dystrophy.

SB 455 Armbrister
Relating to license eligibility for certain law enforcement officers.

SB 868 Lindsay
Relating to the repeal of an obsolete provision authorizing a temporary reduction of the royalty rate on gas produced from certain state land.

SB 1120 Armbrister
Relating to the liability of a criminal defendant and the defendant's sureties on a bond and to certain procedures in connection with a bond forfeiture.

SB 1226 Lindsay
Relating to the creation of the Energy Corridor Management District; providing authority to impose a tax and issue bonds.

SB 1317 Staples
Relating to the employment and benefits of certain retirees of the Teacher Retirement System of Texas.

SB 1697 Barrientos

Relating to the composition of an advisory committee to the Lower Colorado River Authority's agricultural water conservation fund.

SB 1743 Nelson

Relating to a school district's release of certain student directory information.

SB 1817 Bivins

Relating to a plan to increase enrollment of public school students in institutions of higher education.

Respectfully,

Betty King
Secretary of the Senate